

# Notice of Allowability

Application No.

10/789,326

Examiner

Cheryl M. Shechtman

Applicant(s)

ADIBA ET AL.

Art Unit

2163

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/27/07.
2. ☒ The allowed claim(s) is/are 8-15,25-32 and 35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
WILSON LEE  
PRIMARY EXAMINER

### **DETAILED ACTION**

1. This communication is in response to the RCE filed June 27, 2007. Claims 8-15, 25-32 and 35 are pending. Claims 1-7, 16-24, 33, 34, 36, and 37 are cancelled. Claims 8, 25, and 28-30 are amended.

#### ***Response to Arguments***

2. Applicant's arguments, see Remarks, filed June 27, 2007, with respect to claims 8-15, 25-32 and 35 have been fully considered and are persuasive. The 35 USC 103(a) rejection of claims 8-15, 25-32 and 35 has been withdrawn.

#### ***Allowable Subject Matter***

3. Claims 8-15, 25-32 and 35 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Referring to claim 8, Moore discloses a method of loading data into a new table copy, the new table copy to be added to a database replication group including a plurality of pre-existing table copies, the method comprising: loading data from a source table copy into the new table copy, the source table copy being one of the plurality of pre-existing table copies in the database replication group; concurrent to the loading of the data into the new table copy, simultaneously applying changes of a user application received during the loading of the data to the plurality of pre-existing table copies in the database replication group including the source table copy; and creating a spill storage area at the new table copy and storing the changes of the user application in the storage spill area without applying the changes of the user application to the new table

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copy; and upon completion of the loading of the data into the new table copy, applying the changes stored in the spill storage area to the new table copy (Abstract; Fig. 1-5; col. 3-5 and 8-12).

Neither Moore nor any of the prior art of record discloses all the claimed features of applicant's instant invention, specifically including: *applying the changes of the user application stored in the spill storage area to the new table copy comprises, receiving a load done message at the new table copy; starting a spill agent thread at the new table copy; changing a state of the subscription of the new table copy at the new table copy to "load finishing"; and the spill tread agent processing the changes of the user application stored in the spill storage area.*

Also, there is no motivation to combine Moore with any of the prior art of record to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Claims 9-15 depend from claim 8 and are therefore also allowable.

Claim 25 is also allowable for the same reasons as claim 8 addressed above.

Claims 26-32 depend from claim 25 and are therefore also allowable.

Referring to claim 35, Moore discloses a system comprising: an asynchronous database replication group including a plurality of pre-existing table copies; a new table copy to be added to the asynchronous database replication group; a load utility to load data from a source table copy into the new table copy, the source table copy being one of the plurality of pre-existing table copies in the asynchronous database replication

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group; concurrent to the load utility loading the data from the source table copy into the new table copy, an apply module to simultaneously apply changes of a user application received during the loading of the data to the plurality of pre-existing table copies in the replication group including the source table copy; and create a spill storage area at the new table copy and store the changes of the user application in the storage spill area without applying the changes of the user application to the new table copy; and upon completion of the loading of the data into the new table copy, the apply module to apply the changes of the user application stored in the spill storage area to the new table copy (Abstract; Fig. 1-5; col. 3-5 and 8-12).

Referring to claim 35, Norin discloses removing the spill storage area from a new table copy after changes stored in a spill storage area have been applied to the new table copy (col. 5, lines 54-61).

Neither Moore taken alone or in obvious combination discloses all the claimed features of applicant's instant invention, specifically including: *removing the spill storage area from the new table copy after the changes stored in the spill storage area have been applied to the new table copy.*

Also, there is no motivation to combine Moore with Norin or any of the prior art of record to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Shechtman who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 10, 2007  
CMS



WILSON LEE  
PRIMARY EXAMINER